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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/226,107 01/07/99 WATANABE

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EXAMINER

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OLIFF & BERRIDGE
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NGUYEN, M	
ART UNIT	PAPER NUMBER

2622
DATE MAILED:

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/226,107

Applicant(s)
Yasunori Watanabe et al

Examiner
Madeleine AV Nguyen

Group Art Unit
2622



- ☐ Responsive to communication(s) filed on _____
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- ☒ Claim(s) 1-20 _____ is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☐ Claim(s) _____ is/are allowed.
- ☒ Claim(s) 1-11, 13, and 19 _____ is/are rejected.
- ☒ Claim(s) 12, 14-18, and 20 _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
- ☒ received.
- ☐ received in Application No. (Series Code/Serial Number) _____.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3
- ☐ Interview Summary, PTO-413
- ☒ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the outer casing 8 (specification on pages 15-16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 13, 19 recite the limitation "said leaf spring" in line 2 and "said side frame plates" in line 3. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. Claims 1-11, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi et al (US Patent No. 5,359,435).

Concerning claim 1, Hayashi et al discloses an apparatus comprising an outer casing having a front side, a rear side and a lower side (Fig.1); a shaft (14), a recording section. Hayashi further teaches a reading section having a front edge substantially in coincidence with the front side of the outer casing and being disposed above the shaft and rotatable about the shaft to separate from the recording section.

Hayashi does not mention a space is provided above the recording section and below the reading section. However, from Fig.2, there is a space between the original reader and the ink-jet recording apparatus. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to consider that the original reader being disposed above a shaft and rotatable about the shaft to separate from the recording section, whereby a space is provided above the recording section since there is a space between the original reader and the shaft 14.

Concerning claims 2-4, 6, 7, Hayashi further teaches that the reading section is disposed closer to the front side and is rotatable toward the front side of the outer casing; the shaft is disposed adjacent to the recording section and disposed nearer the front side of the outer casing; a control panel (2) having a front end substantially in coincidence with the front side of the outer casing, a rear end opposing the front end, and a lower surface wherein the reading section is disposed on the lower surface of the control panel (col. 5, lines 5-40); the recording section comprises an ink jet printer provided with an ink cartridge (12), (col. 4, lines 35-47); the reading

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section is disposed adjacent to the recording section and covers at least a portion of the recording section (Fig.2).

Concerning claim 10, Hayashi teaches a discharge port 7 formed in the front surface 1a of the main body 1 after the recording operation of the ink jet recording apparatus for discharging recording paper. Hayashi does not teach a recording discharge tray for holding the discharged paper. However, it was commonly known that a conventional system with printing function have a tray for holding discharged paper. Hayashi discloses a conventional facsimile apparatus comprising discharge tray 54 for holding original document and discharge tray 62 for holding recording paper (Fig.4; col. 1, lines 23-54). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the discharge port to have a discharge tray as in the conventional facsimile apparatus in Fig.4 in order to hold the discharge paper in order and in one fixed place.

6. Claims 5, 8, 9, 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hayashi as applied to claim 1 above, and further in view of Musso et al (US Patent No. 5,523,848).

Concerning claims 5, 8, 9, Hayashi fails to teach a document holding section that extends from the read end of the control panel for supporting document to be conveyed to the reading section wherein the document holding section is rotatable together with the reading section and serves as a cover for covering the recording section when not rotated open. It was commonly known in the art that a discharge path for discharging sheet for scanning having a holding means

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or a tray for holding discharge paper. For instance, Hayashi discloses a conventional facsimile apparatus comprising discharge tray 54 for holding original document and discharge tray 62 for holding recording paper (Fig.4; col. 1, lines 23-54). In addition, Musso et al discloses an ink jet printing device and plain paper facsimile apparatus with a document holding section that extends from the read end of the control panel for supporting document to be conveyed to the reading section wherein the document holding section is rotatable together with the reading section and serves as a cover for covering the recording section when not rotated open (Figs. 21-22). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the teaching of a holding means in Musso et al to the front side surface 1a since both of Hayashi and Musso teaches an upright facsimile machine having the reading section above the recording section while Hayashi teaches that the original reader registers original in their widthwise direction by a guide 4a, moves the originals one by one in a direction of an arrow and reads an original image while discharging the original to an opening portion 3 formed in a front side surface 1a of the main body 1. Thus, the combination will provide a system with a holding tray that can hold discharged paper.

Concerning claim 11, Hayashi fails to teach an urging member wherein the recording paper discharge tray is rotatably supported on the outer casing and is supported by the urging member to slant upward. Musso teaches the and additional piece 266 pivoted on one side of the plate 264 with upward direction (Figs.21-22). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine the teaching of a

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holding means in Musso et al to the front side surface 1a since both of Hayashi and Musso teaches an upright facsimile machine having the reading section above the recording section while Hayashi teaches a discharge port 7 formed in the front surface 1a of the main body 1 after the recording operation of the ink jet recording apparatus for discharging recording paper. Thus, the combination will provide a system with a holding tray that can hold discharged paper in an upward direction.

Allowable Subject Matter

7. Claims 12, 14-16-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 13, 19-20 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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a. Sakamoto et al (US Patent No. 5,719,686) discloses an image communicating apparatus of a smaller size and lower cost in comparison with the conventional color communication apparatus.

b. Misutani et al (US Patent No. 6,195,170) teaches a facsimile apparatus that detects print failure to retain data in memory.

c. Kato (US Patent No. 5,697,603) recites a sheet supply device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine Anh-Vinh Nguyen whose telephone number is (703) 305-4860.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to:

(703) 308-9051 (for formal communication at s intended for entry)

(703) 308-9051 (for informal or draft communications, such as proposed amendments to be discussed an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two
2121 Crystal Drive
Arlington, VA.
Sixth Floor (Receptionist)

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A handwritten signature in black ink, appearing to read "Anh Vinh Nguyen". The signature is written in a cursive, flowing style.

Madeleine Anh-Vinh Nguyen

Primary Examiner

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November 5, 2001